



Appeal Decision

Site visits made on 22 May 2020 and 5 June 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th June 2020

Appeal Ref: APP/P3420/W/20/3244212

Field House, Sandy Lane, Newcastle-under-Lyme, ST5 0LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr P Shaw against the decision of Newcastle-Under-Lyme Borough Council.
 - The application Ref 19/00365/OUT, dated 10 May 2019, was refused by notice dated 5 July 2019.
 - The development proposed is described as *"residential development comprising the erection of up to 4 no. detached dwellings on land to the rear of Field House and retention of existing building for use as a detached dwelling (re-submission of 17/00893/OUT)"*.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application is in outline with all matters reserved for future consideration except for the means of access. Drawings showing an indicative layout of the development were submitted with the application, and I have had regard to these in determining this appeal.

Main Issues

3. The main issues are the effect of the development, firstly, on the character and appearance of the area and, secondly, on the living conditions of adjoining occupiers with regard to noise and disturbance.

Reasons

Character and appearance

4. The appeal site consists of a large detached property on the eastern side of Sandy Lane that is set within a substantial plot. The building is currently disused and the land to the rear is overgrown. The site is identified as being within an 'Area of Special Character' under Policy H7 of the Newcastle-under-Lyme Local Plan (2003). This policy states that *"the Council will seek to preserve the unique character of the areas, consisting mainly of large houses in extensive plots, and will not permit development that would be detrimental to the overall character of the area or that would result in the further sub-division of plots"*.

5. Sandy Lane is characterised by large detached properties in spacious plots, albeit with some variation in size. In this regard, the properties on the eastern side of Sandy Lane are generally of a lower density to those opposite. The topography rises gently from west to east and the properties on this side of Sandy Lane are also elevated relative to the road. A number of dwellings in backland locations are visible along the street, including to the rear of the neighbouring properties at Martley House and Homeland.
6. The development would introduce 4 new dwellings to the rear of the existing property at Field House. This would necessitate a relatively high density of development in comparison to the surrounding properties, particularly those directly to the north. In this regard, the properties to the rear of Martley House and Homeland sit within larger plots that retain the spacious quality of the area. Whilst layout does not fall to be considered at this stage, the illustrative plans show 2 dwellings shoehorned into the middle part of the site in uncharacteristically small plots. Given the shape of the site and the number of dwellings proposed, it is difficult to see how any satisfactory alternative layout could be achieved. Whilst the development would be partly screened by existing buildings and planting, its elevated position would still afford some visibility from the road. In my view, the development would appear excessively dense in its surroundings and harmfully out of keeping with the established pattern of development along this side of Sandy Lane.
7. My attention has been drawn to an area of land to the north west of the appeal site that contains 7 dwellings, 4 of which are positioned to the rear of the Sandy Lane frontage. However, the full details of that case are not before me and so it is unclear what considerations led to its approval. In any event, those properties are on lower ground on the opposite side of Sandy Lane, where densities are generally higher. Accordingly, they are dissimilar to the appeal proposal and do not lend significant support to it. In addition, the other higher density developments identified by the appellant are generally on the opposite side of Sandy Lane or are further away to the north.
8. The Council previously decided against extending the Brampton Conservation Area to include Sandy Lane as it was considered to lack special architectural or historic interest. However, it does not follow from this that the character of the area does not merit protection. Moreover, whilst the development would preserve the green frontage along Sandy Lane and would not significantly change the overall density of the wider area, that does not alter my concerns as set out above.
9. For the above reasons, I conclude that the development would significantly harm the character and appearance of the area. It would therefore be contrary to Policy H7 of the Newcastle-under-Lyme Local Plan (2003), Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (2009), and guidance contained in the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010). These policies and guidance seek to ensure, amongst other things, that new development contributes positively to local character and identity in terms of its scale, density, and layout. It would also be at odds with the National Planning Policy Framework ('the Framework') which seeks to achieve well-designed places.

Living conditions

10. Layout is a reserved matter, and so the precise route of any access into the rear part of the site is not before me at this stage. However, the submitted plans indicate that this route would be positioned along the boundary with Martley House and Branksome. No alternative location has been suggested by either the Council or the appellant in this regard.
11. The proposed access route is shown as running along the entire length of the rear garden to Martley House, and in close proximity to its conservatory. The development would introduce vehicle movements along this boundary to access the proposed dwellings to the rear. However, the traffic associated with 4 additional dwellings would be relatively light. Moreover, there is dense mature planting along this boundary and there is scope to provide additional planting and boundary treatments at reserved matters stage, particularly in the vicinity of the conservatory. This would ensure that no significant disturbance or loss of privacy would arise. I further note that an existing access route, serving 3 dwellings, runs along the opposite boundary to Martley House and there is no indication that it has resulted in any significant disturbance.
12. The proposed access route is also shown as running along part of the boundary with Branksome. However, it would not adjoin the rear garden area to that property and so any disturbance would be limited. Moreover, there is dense mature planting along the boundary that is of a significant height. The position of the windows in the proposed dwellings could also be controlled at reserved matters stage so as to avoid any direct overlooking.
13. For the above reasons, I conclude that the development would not significantly harm the living conditions of adjoining occupiers with regard to noise and disturbance. It would therefore accord with guidance in the Framework which seeks to ensure a high standard of amenity for existing and future users.

Other Matter

14. My attention has been drawn to a recent appeal Decision¹ at Mucklestone Road, Loggerheads. In that case, the Council acknowledged that saved Policy H1 of the Newcastle-under-Lyme Local Plan (2003) was out of date, thus triggering the 'tilted balance' at Paragraph 11 of the Framework. However, that appeal related to a residential development beyond the village envelope identified in Policy H1. Accordingly, this policy was considered to be one of the most important for determining that appeal. Conversely, Policy H1 is not referred to in the Decision Notice in this case, and it is only relevant insofar as it seeks to direct new residential development to the existing urban area. In my view, the most important policies for determining this appeal are Policies H7 and CSP1, which relate to design quality and character and appearance. These policies are consistent with the Framework which seeks to achieve the creation of high quality buildings and places. Accordingly, the 'tilted balance' is not engaged in this case regardless of whether Policy H1 is out of date.

Conclusion

15. As set out above, I conclude that the development would significantly harm the character and appearance of the area. Set against this, it would provide new

¹ APP/P3420/W/18/3199376

housing on a previously developed site, in a relatively accessible location, and would generate some modest economic benefits.

16. In these circumstances, even if the 'tilted balance' were engaged, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Accordingly, the application of Paragraph 11 of the Framework would not indicate that permission should be granted.

17. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR